

Submitted via the Planning Portal

Planning Department
North Hertfordshire District Council

11th December 2025

Our Ref: 25-8087

Dear Sir / Madam,

**Variation of Condition 4 of Planning Permission Ref. 23/00244/FP
Land South of Anglian Business Park, Orchard Road, Royston**

On behalf of our client, James Property Investments LLP, please find enclosed an application pursuant to Section 73 of the Town and Country Planning Act 1990 (As Amended) seeking to vary condition 4 of planning permission ref. 23/00244/FP ('the permission') granted by North Hertfordshire District Council ('NHDC') on 26 April 2023 at the above site.

As Officers will be aware, the application follows a previous application (Ref: 25/02452/S73) to remove condition 4 submitted in September 2025, which was subsequently refused on 13.11.25 on one ground relating to noise impact during the nighttime period. That submission was supported by a robust Noise Assessment prepared by Inacoustic which provided the necessary technical justification to support removal of the condition to enable the site to operate without restriction. Notwithstanding, comments received from the EHO raised concerns and queries in respect of the conclusions of the Noise Assessment, which ultimately resulted in the application being refused by Officers without any opportunity to amend. Indeed, without prejudice to the robust findings of the previous Noise Assessment, the applicant would have been prepared to consider a condition, in line with best practice, which advocates imposition of restrictions over and above an outright refusal of permission as noted at Paragraph 56 of the NPPF and NPPG guidance at Paragraph: 001 (Reference ID: 21a-001-20140306).

The reason for refusal is as follows:

"Condition 4 is imposed on planning permission 23/00244/FP to protect the residential amenities of the adjoining neighbours. This application does not demonstrate that there would be no adverse harm from night time operational activities on these neighbours, so to ensure the protection of nearby residential amenity, this application is refused in accordance with the aims of Local Plan Policy D3"

As set out, the previous application set out the robust technical case that exists for 24-hour operation of the site having regard to Paragraph 198 of the NPPF which seeks to *"avoid noise giving rise to significant adverse impacts on health and quality of life"*. Notwithstanding, we note concerns raised within the reason for refusal in respect of complete removal of condition 4 due to concerns around nighttime hours. This revised application instead seeks a variation to extend the permitted hours.

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The permission relates to the following description of development:

"Temporary change of use of vacant industrial land for 5 years for use as an open storage yard (Use class B8) to include construction of vehicular access, layout of hard surfaced area, construction of security fencing and all ancillary works".

As officers will be aware from the previous application, since the grant of the temporary planning permission the site has remained vacant, however a tenant has now been secured and the site provides an excellent industrial location to meet their requirements. On review of the permission, some adjustments are needed to the approved details in order to meet the tenant's operational requirements re operational hours of use, as currently controlled by Condition 4. It should be noted that any amendment does not seek to change the temporary nature of the original permission.

Condition 4 of the permission reads:

"The B8 use, hereby permitted, shall not be open to staff, visitors or deliveries, and no machinery shall be operated within the site outside the times of 08:00 to 20:00 on Mondays - Fridays, 09:00 to 12:00 on Saturdays and at no time on Sundays or public holidays".

Following the refusal of the previously submitted application, direct discussion has taken place with both Officers and the Environmental Health team to understand concerns and agree a way forward. As part of this, Officers suggested that the below hours would be unlikely to be objected to. In order to work with Officers to reach a mutually acceptable position, it is on this basis that this revised application is submitted.

- 7am – 9pm on Mondays – Fridays
- 9am – 4pm on Saturdays and no time on Sundays and Bank Holidays

For completeness, this revised application therefore proposes that Condition 4 is varied to read as follows:

"The B8 use, hereby permitted, shall not be open to staff, visitors or deliveries, and no machinery shall be operated within the site outside the times of 07:00 to 21:00 on Mondays – Fridays, 09:00 to 16:00 on Saturdays and no time on Sundays and Bank Holidays".

As above, this is in direct response to the previous refusal which specifically raised concerns with operation during nighttime hours and subsequent discussion with Officers. The application is again supported by a Noise Assessment prepared by Inacoustic which has assessed the existing noise climate and potential impact of the proposed extended hours on the nearest noise sensitive receptors to the site.

The report confirms there are no technical noise reasons to justify any operational restrictions from a noise perspective, with potential impacts during both daytime and nighttime periods falling within acceptable levels. This includes recognition of the site's proximity to a busy industrial estate and mainline railway line. The report therefore concludes that proposals to operate the site as permitted on a 24/7 basis would not give rise to a level of harm and disturbance to local residents that Policy D3 (Protecting Living Conditions) and the NPPF seeks to prevent. Notwithstanding, and as set out above; in order to address concerns raised during the previous application and in specific response to the reason for refusal in respect of nighttime hours and subsequent discussion with Officers, this revised application seeks a variation to condition 4 to allow for site operation between 07:00-21:00 Monday-Friday, 09:00-16:00 on Saturdays and no time on Sundays and Bank Holidays.

These hours are supported by the technical case as set out within the noise assessment, and indeed, directly respond to the concerns raised within the previous reason for refusal in respect of nighttime hours by restricting any nighttime activity. It therefore follows that the proposals are acceptable, however it is respectfully requested that if any concerns remain these are

raised in advance of any decision and potential conditions explored which could alleviate concerns in line with best practice. This could for example include a restriction on the size and nature of vehicles using the site should this be of concern. In this respect, the applicant would be willing to accept a restriction which limits the largest vehicle accessing the site to a 7.5 tonne box truck.

The proposals will allow implementation of a consented development enabling occupation of a currently underutilised site to make more efficient and effective use of brownfield land and stimulate economic growth in accordance with Paragraph 85 of the NPPF (2024) and strategic Policy SP3 (Employment), which seeks to proactively support new and existing businesses.

In support of this application please find enclosed the following:

- Application Forms;
- Application Fee of £2,000;
- Supporting Noise Assessment prepared by Inacoustic.

We trust that the application meets the council's validation requirements, but should you require anything further please do not hesitate in contacting the undersigned.

Yours sincerely,



Katia Clarke

Associate

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